

APPLICANT'S INVENTION

Applicant's invention is a cold formed, sheet metal structural member having a first planar web member with two longitudinal extending legs such that the structural member or cord comprises an elongated member of substantially U-shaped cross section being longitudinally symmetrical and being closed at one end and open at the other end, the legs being mirror images of each other and terminating with outwardly extending hollow flanges having a margin area juxtaposed the respective leg. A bracing web member is slidably receivable within the U-shaped cross section and can be secured to the depending legs by suitable fasteners and a secondary web is positioned along the structural member in parallel relationship with the first web to provide additional resistance for sheathing fasteners.

THE REJECTION

By its decision of April 27, 2005, the Board of Patent Appeals and interferences has upheld the Examiner's rejection of Claims 1, 2, 6, 8, 10, and 11, and reversed the Examiner's rejection with respect to Claims 3 through 5 and 7 and 9. The Board also pointed out lack of antecedent bases with respect to a recitation in Claim 7.

DISCUSSION

Applicant has amended the application in accordance with the decision of the Board of Patent Appeals and Interferences. Claim 1 has been amended to include the limitations of Claim 1, 2, and 3, Claim 3 being directed to the second web member in parallel relationship with the web surface of the elongated metallic structural member.

Claims 2 and 3 have been canceled.

Claim 4 is currently amended to change its dependency to independent Claim 1.

Claim 5 is amended to change its dependency to independent Claim 1.

Claim 6 is as originally presented.

Claim 7 is currently amended to correct the lack of antecedent basis as pointed out by the Board of Patent Appeals and Interferences.

Claims 8, 10, and 11 are canceled and Claim 9 is as originally presented.

The Board in its decision beginning at the bottom of page 6 and carrying over to page 7, clearly states that the presence of a second web member in Applicant's elongate metallic structural member was not anticipated nor rendered obvious by the references considered by the Examiner. Applicant has now included the limitation of the second web member in independent Claim 1.

Dependent Claim 4 and dependent Claim 5 have been amended to depend from independent Claim 1 and to further clarify the two locations in which the second web member may be secured.

Claim 6 is as originally presented and depends from independent Claim 1 and recites the shape of the depending leg members.

Claim 7 currently amended corrects the lack of antecedent basis as pointed out by the Board of Patent Appeals and Interferences and also identifies the positioning of the second web member in the leg members as defined in Claim 6.

Claims 8, 10, and 11 have been canceled.


Claim 9 is an original presented claim depending from allowed Claim 5 which again positions the second web member.

In light of the decision of the Board of Patent Appeals and Interferences and the amendment to the claims submitted herewith, the Applicant would respectfully submit that the application and the amended claims thereof are now in condition for allowance and a notice of same is respectfully solicited.

Respectfully submitted,

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